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NOTICE OF ALLOWANCE AND FEE(S) DUE

44015 7590 12/11/2008

OPTV/MEYERTONS
RORY D. RANKIN
P.O. BOX 398
AUSTIN, TX 78767-0398

EXAMINER

CORRIELUS, JEAN M

ART UNIT

PAPER NUMBER

2162

DATE MAILED: 12/11/2008

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/829,558	04/22/2004	Pierre Willard	5266-10500	6359

TITLE OF INVENTION: SYSTEM FOR MANAGING DATA IN A DISTRIBUTED COMPUTING SYSTEM

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	03/11/2009

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

**Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

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44015 7590 12/11/2008

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I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

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10/829,558	04/22/2004	Pierre Willard	5266-10500	6359

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nonprovisional	NO	\$1510	\$300	\$0	\$1810	03/11/2009

EXAMINER	ART UNIT	CLASS-SUBCLASS
CORRIELUS, JEAN M	2162	707-203000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
- 3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies _____

4b. Payment of Fee(s); (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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44015	7590	12/11/2008	EXAMINER	
OPTV/MEYERTONS RORY D. RANKIN P.O. BOX 398 AUSTIN, TX 78767-0398			CORRIELUS, JEAN M	
			ART UNIT	PAPER NUMBER
			2162	
			DATE MAILED: 12/11/2008	

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 385 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 385 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability	Application No.	Applicant(s)	
	10/829,558	WILLARD ET AL.	
	Examiner	Art Unit	
	Jean M. Corrielus	2162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the appeal brief filed on 9/10/08.
2. ☒ The allowed claim(s) is/are 1-3, 5-11, 13-17 and 19-25 renumbered as claims 1-22.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date ____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date ____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other ____. |

DETAILED ACTION

1. This office action is in response to the Appeal Brief filed on September 10, 2008, in which claims 1-25 are presented for further examination.
2. Applicant's arguments filed on September 10, 2008, in the appeal Brief, with respect to the rejection of claims 1-25 have been fully considered and are persuasive. The final rejection of the last office action mailed on January 10, 2008 has been withdrawn.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Rory Rankin on December 5, 2008.

1. (Currently Amended) A method for managing data in a distributed computing system having a processor, said method comprising:

receive data comprising a first module which identifies a plurality of modules for use by an executable application, said first module comprising a main directory module which identifies modules for use by the executable application,

receive additional data corresponding to said interactive television application, wherein said additional data identifies fewer than all of said plurality of modules and identifies an update

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to be made to one or more of said first module and said plurality of modules and wherein said additional data comprises a delta directory module which corresponds to said main directory module, said delta directory includes an identifier which indicates a version to which said main directory is updated in response to performing said update identified by said delta directory; and performing said update.

2. (Currently Amended) The method of claim 1, wherein said first module is pushed

3. (Currently Amended) The method of claim 1, wherein said received main directory module is stored in a memory of a receiving device, and wherein said update comprises directly modifying said main directory module stored in memory.

4. (Cancelled)

5. (Currently Amended) The method of claim 1, wherein in response to performing said update, corresponding changes are effected in one or more of said plurality of modules, said corresponding changes being selected from the group consisting of: the addition of a new module; the removal of an existing module; and revisions to an existing module.

6. (Original) The method of claim 5, wherein said plurality of modules comprise one or more executable application codes or data for access by said application during execution.

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7. (Currently Amended) The method of claim 1, wherein said executable application utilizing said additional data to register changes to said first module.

8. (Original) The method of claim 7, wherein said additional data is pulled by said application.

9. (Currently Amended) A receiving device comprising a memory and a processor, said device comprising:

receive data by an interactive television application comprising a first module which identifies a plurality of modules and wherein said first module comprises a main directory module which identifies modules for use by the interactive television application;

receive additional data corresponding to said interactive television application, wherein said additional data identifies fewer than all of said plurality of modules and identifies an update to be made to one or more of said first module and said plurality of modules and wherein said additional data comprises a delta directory module which corresponds to said main directory module, said delta directory includes an identifier which indicates a version to which said main directory is updated in response to performing said update identified by said delta directory; and

a processing unit configured to update the version identified of said main directory module to reflect the changes indicated by the delta directory.

10. (Currently Amended) The method of claim 9, wherein said first module is pushed.

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11. (Currently Amended) The receiving device of claim 9, wherein said processing unit is configured to update said directory module by directly modifying said main directory module.

12. (Cancelled)

13. (Currently Amended) The receiving device of claim 9, wherein in response to performing said update on the directory module, said processing unit is configured to effect corresponding changes to said plurality of modules, said changes being selected from the group consisting of: the addition of a new module; the removal of an existing module; and revisions to an existing module.

14. (Currently Amended) The receiving device of claim 9, wherein said plurality of modules comprise one or more of executable application codes or data for access by said application during execution.

15. (Original) The receiving device of claim 9, wherein said first module and said plurality of modules are pushed to said receiving device by a broadcaster, and wherein said additional data is pulled by said application from an alternate source.

16. (Original) The receiving device of claim 9, wherein said first module is pushed to said receiving device, and wherein said application is not permitted to directly access said first module and is configured to utilize said additional data to register changes to the first module.

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17. (Currently Amended) A broadcast station comprising:

a server coupled to a processor configured to convey data for use by an executable application;

a transmitter configured to convey data for broadcast; and

a processing mechanism configured to:

generate a first module identifies a plurality of modules and wherein said first module comprises a main directory module which identifies modules for use by the interactive television application;

convey said first module and said plurality of modules;

determine a change to said plurality of modules is required;

generate a second module which identifies fewer than all of said plurality of modules and which identifies said change; and wherein said second module comprises a delta directory module which corresponds to said main directory module, said delta directory includes an identifier which indicates a version to which said main directory is updated in response to performing said update identified by said delta directory; and

convey said second module.

18. (Cancelled)

19. (Original) The broadcast station of claim 17, wherein said processing mechanism is further configured to: generate an updated main directory module which reflects said change; and convey said updated main directory subsequent to conveying said delta directory module.

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20. (Original) The broadcast station of claim 17, wherein said processing mechanism comprises executable program instructions executed by a processor.

21. (Currently Amended) A computer accessible medium comprising computer executable instructions, said computer executable instructions when executed on a processing device cause the processing device to:

receive data by an executable application comprising a first module which identifies a plurality of modules and wherein said first module comprises a main directory module which identifies modules for use by the executable application;

receive additional data corresponding to said interactive television application, wherein said additional data identifies fewer than all of said plurality of modules and identifies an update to be made to one or more of said first module and said plurality of modules and wherein said additional data comprises a delta directory module which corresponds to said main directory module, said delta directory includes an identifier which indicates a version to which said main directory is updated in response to performing said update identified by said delta directory; and
perform said update.

22. (Currently Amended) The computer accessible medium of claim 21, wherein the received main directory module is stored in a memory of a receiving device and said update comprises directly modifying said main directory module stored in memory.

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23. (Original) The computer accessible medium of claim 22, wherein in response to performing said update, corresponding changes are effected in one or more of said plurality of modules, said corresponding changes being selected from the group consisting of: the addition of a new module; the removal of an existing module; and revisions to an existing module.

24. (Original) The computer accessible medium of claim 21, wherein said first module is pushed and wherein said application utilizes said additional data to register changes to the first module.

25. (Original) The computer accessible medium of claim 24, wherein said additional data is pulled by said application.

Allowable Subject Matter

4. The present application has been thoroughly reviewed. Upon searching a variety of databases, the examiner respectfully submits that claims 1-3, 5-11, 13-17 and 19-25 are allowable in light of the applicant's arguments and in light of the prior art made of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean M. Corrielus whose telephone number is (571) 272-4032. The examiner can normally be reached on 10 hours shift.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jean M Corrielus/
Primary Examiner, Art Unit 2162

December 12, 2008